

Counsel for Defendant PONCE

SAN JOSE DIVISION

UNITED STATES OF AMERICA,

No. CR 05-00288 RMW

Plaintiff,

V.

MARIO PONCE,

Defendant.

STIPULATION TO CONTINUE HEARING AND EXCLUDE TIME; ORDER

Defendant and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for Monday, July 17, 2006, at 9:00 a.m., be continued to Monday, August 21, 2006, at 9:00 a.m. The defense requests the continuance on the following grounds: Mr. Ponce is represented by Phil Vaughns, Esq., who is awaiting for a ruling on a motion for reconsideration with respect to a habeas petition in Santa Clara Superior Court. The petition seeks post-conviction relief with respect to the felony conviction that rendered Mr. Ponce deportable.

The parties further agree that time should be excluded under the Speedy Trial Act because the defense requires time for investigation and preparation, and the ends of justice outweigh the

STIPULATION TO CONTINUE
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1 defendant's and the public's need for a speedy trial.

2 Dated: 7/13/06

/s/
LARA S. VINNARD
Assistant Federal Public Defender

4 Dated: 7/13/06

/s/
SUSAN KNIGHT
Assistant United States Attorney

7 **ORDER**

8 The parties have jointly requested a continuance of the hearing set for June 12, 2006, on
9 grounds that Mr. Ponce's attorney in related state court proceedings is awaiting a ruling on a
10 motion for reconsideration with respect to the conviction that rendered Mr. Ponce deportable.

11 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
12 presently set for June 12, 2006, be continued to August 21, 2006, at 9:00 a.m.

13 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time
14 from June 12, to August 21, 2006, shall be excluded from the period of time within which trial
15 must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

17 Dated: 8/2/06

/S/ RONALD M. WHYTE
RONALD M. WHYTE
United States District Judge